

The Lansing State Journal  
Op-Ed  
November 19, 1999

I was disappointed to see your editorial last week supporting the decision of U.S. District Judge Victoria Roberts to issue a temporary restraining order (TRO) for our pilot drug testing program. I was also surprised that the Judge would go out on a limb at this point stating that our pilot program is unconstitutional. That decision must be made after the hearing scheduled for December 20, 1999.

What Judge Roberts did last week was issue a temporary restraining order (TRO) prohibiting the state from proceeding with drug testing until the outcome of the December hearing. On December 20, we presume we will receive a fair and balanced hearing on the TRO to either end it or continue it indefinitely, as well as the state's motion to dismiss the entire case.

I find it disturbing that you would call the policy humiliating. It is the same policy used for applicants for all state and many federal government jobs. If you want the job/money, you take the test. Unlike these other two examples, if a public assistance recipient tests positive we don't deny them the cash they need to sustain their family, we give them the financial assistance they need and the opportunity for assessment and treatment for their problem. The applicant for the state or federal job, simply doesn't get the job and is left to deal with their substance abuse and financial problems on their own.

Remember that since the inception of welfare reform, cash assistance in this state and throughout the nation is considered temporary assistance until the family can secure a job or other source of income to support themselves. The federal government, the Michigan legislature, the general public and many of our recipients support this change to temporary assistance. It has helped hundreds of thousands of families leave welfare since 1992.

Yet, clearly in a day where drug testing is commonplace in the job market, it would be a great disservice to send someone out on a job interview knowing they will fail any required drug test. Just as we work to remove other barriers to employment in this state, like day care, transportation, job training, housing and medical care we cannot ignore the one that would still keep them from getting, keeping and progressing on the job...substance abuse.

As for your assertion that there is a criminal connotation to testing poor people who need temporary government assistance, does the same hold true for applicants for state and federal jobs? I certainly didn't assume the state thought I was a criminal when I was asked to take a drug test when I became Director last March. I knew it was something I needed to do if I wanted the job. Offering treatment doesn't sound criminal to me either.

As for the constitutionality of our pilot policy, that is for the court to determine after the December 20 hearing before the U.S. District Court where both sides will be heard and an impartial judge should rule.

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By: Douglas E. Howard, Director  
Family Independence Agency